

MEETING RECORD

NAME OF GROUP: PLANNING COMMISSION

DATE, TIME AND PLACE OF MEETING: Wednesday, December 1, 1999, 1:00 p.m., City Council Chambers, First Floor, County-City Building, 555 S. 10th Street, Lincoln, Nebraska

MEMBERS IN ATTENDANCE: Steve Duvall, Barbara Hopkins, Linda Hunter, Patte Newman, Tommy Taylor, Greg Schwinn and Cecil Steward (Russ Bayer and Gerry Krieser absent). Kathleen Sellman, Kent Morgan, Ray Hill, Mike DeKalb, Steve Henrichsen, Jennifer Dam, Mike Brienzo, Rick Houck, Nicole Fleck-Tooze, Jean Walker and Teresa McKinstry of the Planning Department; media and other interested citizens.

STATED PURPOSE OF MEETING: Regular Planning Commission Meeting

Vice-Chair, Greg Schwinn, called the meeting to order and requested a motion approving the minutes for the meeting held November 17, 1999. Motion to approve made by Hopkins, seconded by Newman and carried 7-0: Duvall, Hopkins, Hunter, Newman, Taylor, Schwinn and Steward voting 'yes'; Bayer and Krieser absent.

At the request of staff, Hopkins moved to rearrange the agenda, with Item No. 4.7, Street & Alley Vacation No. 99013, moved to the Consent Agenda, seconded by Duvall and carried 7-0: Duvall, Hopkins, Hunter, Newman, Schwinn, Steward and Taylor voting 'yes'; Bayer and Krieser absent.

CONSENT AGENDA
PUBLIC HEARING & ADMINISTRATIVE ACTION
BEFORE PLANNING COMMISSION:

December 1, 1999

Members present: Duvall, Hopkins, Hunter, Newman, Taylor, Schwinn and Steward; Bayer and Krieser absent.

The Consent Agenda consisted of the following items: **SPECIAL PERMIT NO. 1805A; SPECIAL PERMIT NO 1814; SPECIAL PERMIT NO. 1815; SPECIAL PERMIT NO. 1816; FINAL PLAT NO. 99045, WILDERNESS RIDGE ADDITION; AND STREET AND ALLEY VACATION NO. 99013.**

Item No. 1.4, Special Permit No. 1816, was removed from the Consent Agenda and scheduled for separate public hearing.

Hopkins moved to approve the remaining Consent Agenda, seconded by Newman and carried 7-0: Duvall, Hopkins, Hunter, Newman, Taylor, Schwinn and Steward voting 'yes'; Bayer and Krieser absent.

Note: This is final action on Special Permit No. 1805A, Special Permit No. 1815 and Final Plat No. 99045, Wilderness Ridge Addition, unless appealed to the City Council by filing a letter of appeal with the City Clerk within 14 days of the action by the Planning Commission.

SPECIAL PERMIT NO. 1816
FOR EXTRACTION OF SOIL
ON PROPERTY GENERALLY LOCATED
AT N.W. 40TH & WEST VINE STREET.
PUBLIC HEARING BEFORE PLANNING COMMISSION:

December 1, 1999

Members present: Schwinn, Hopkins, Newman, Taylor, Steward, Hunter and Duvall; Krieser and Bayer absent.

Planning staff recommendation: Conditional approval.

This item was removed from the Consent Agenda and had separate public hearing at the request of the applicant.

Proponents

1. **Noel Chadd**, the applicant, stated that he has reviewed the staff comments. With regard to environmental concerns, he believes there is an error in the staff report in that there are drainage and tree areas on the "northwest" (as opposed to northeast). He agrees with all other comments and conditions in the staff report. As far as the \$5,000 bond, Chadd advised that there is presently a \$9,400 certificate of deposit with the city so that is already covered. He does have an existing NPDES permit and will be asking for an extension of the permit. He has entered into an agreement with the Health Department to use asphalt chippings on the rock road to minimize the dust problem. Chadd Construction has four major jobs that they need to begin working on including the baseball diamond, the S.W. 40th overpass, the Interstate 80 project, and another project.

Steward asked what Chadd intends to do with the existing trees. Chadd stated that he intends to leave everything in place. There are also some native grasses that they will be retaining. Steward believes that this will create a very steep slope condition within that drainage area. Chadd indicated that the direction of the drainage will not be changed. They will be making a gentle hill out of a steep hill.

Steward referred to another item on the agenda, the stormwater regulations, which further emphasize protection of natural riparian way and treed areas. He asked staff whether this

special permit would comply if those regulations were now in place. Mike DeKalb of Planning staff stated that the staff report requests that the applicant show the areas to be protected as a condition of the permit; the drainage calculations and grades were checked by both the city and the County Engineer and it was determined that they meet the current requirements, which require the best management plan and reseeding, etc., for best management practices. DeKalb believes it would be very close to the new regulations.

Chadd advised that as soon as they remove the material they will be replacing the topsoil back on it right away.

DeKalb further noted that the permit is written as one year with renewal for five years annually.

There was no testimony in opposition.

Public hearing was closed.

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

December 1, 1999

Hopkins moved to approve the Planning staff recommendation of conditional approval, seconded by Newman.

Steward supported the motion but he is concerned about continuing to allow excavation along the interstate which he believes permanently damages the major corridor into the city. He understands the need for topsoil, but there have been several projects where we have continued to allow desecration of the landscape along our interstate. We are not in a good position at this point to say no, but he hopes we can get in better position to say no. Steward suggested that the first step would be a change of zone along the entryway corridor in the next Comprehensive Plan update.

Motion for approval, with conditions, carried 7-0: Hopkins, Newman, Schwinn, Hunter, Duvall, Taylor and Steward voting 'yes'; Bayer and Krieser absent.

At this point, Hunter moved to reconsider Street & Alley Vacation No. 99013, which was approved on the Consent Agenda, seconded by Duvall and carried 7-0: Hopkins, Newman, Schwinn, Hunter, Duvall, Taylor and Steward voting 'yes'; Bayer and Krieser absent.

STREET & ALLEY VACATION NO. 99013
TO VACATE A PORTION OF SAVANNAH CIRCLE
GENERALLY LOCATED AT SO. 38TH & EAST SAVANNAH CIRCLE.
PUBLIC HEARING BEFORE PLANNING COMMISSION
UPON RECONSIDERATION:

December 1, 1999

Members present: Hopkins, Newman, Schwinn, Hunter, Duvall, Taylor and Steward; Krieser and Bayer absent.

Planning staff recommendation: A finding of conformance with the Comprehensive Plan and conditional approval.

Hunter had requested reconsideration to ask a staff question. She referred to the map on page 205 of the agenda. She noted that the R-3 zoning that surrounds the area is not developed. Steve Henrichsen of Planning staff explained that the property to east of 38th north of Pine Lake is where the apartment building (Savannah Pines) is under construction right now.

Hunter wondered whether vacating this area eliminates the ability to make a driveway straight across to the circle on the other side of the street. Henrichsen explained that there was previously a cul-de-sac that was vacated, except for this stub, for an apartment building to be built. It faces Pine Lake Road between 38th and 40th, so there is no need to extend the road to the east.

There was no testimony in opposition.

Public hearing was closed.

ADMINISTRATIVE ACTION BY PLANNING COMMISSION: December 1, 1999

Hunter moved to find the vacation to be in conformance with the Comprehensive Plan with conditional approval, seconded by Hopkins and carried 7-0: Hunter, Hopkins, Duvall, Schwinn, Steward, Taylor and Newman voting 'yes'; Bayer and Krieser absent.

COMPREHENSIVE PLAN AMENDMENT NO. 94-41;
ANNEXATION NO. 99019;
CHANGE OF ZONE NO. 3202;
SPECIAL PERMIT NO. 1808, FALLBROOK COMMUNITY UNIT PLAN;
PRELIMINARY PLAT NO. 99023, FALLBROOK ADDITION;
and USE PERMIT NO.124,
ON PROPERTY GENERALLY LOCATED
AT HIGHWAY 34 AND N. 1ST STREET.
CONT'D PUBLIC HEARING BEFORE PLANNING COMMISSION: December 1, 1999

Members present: Hunter, Hopkins, Duvall, Schwinn, Steward, Taylor and Newman; Bayer and Krieser absent.

Proponents

1. **Kent Seacrest** appeared on behalf of applicant/developer and submitted a motion to amend the conditions of approval. They have met further with staff in the last two weeks on the issues and he believes they are in agreement on everything except Condition #3.3 of the use permit, which requires a conservation easement for Outlot P. Outlot P is zoned AG and will remain zoned AG. Staff wants the conservation easement so that buildings are not constructed and the wetlands are not disturbed. Seacrest purports that it is not necessary to have a conservation easement to do those two things. They cannot put anything in AG other than farming and a farmhouse without coming back through the public hearing process. And they will not be putting a farmhouse in the middle of a development. They plan to provide a network of trails but they do not want to promise where those rights to travel or visit will be. By making it open public space it creates a park, and at this stage he is concerned about the liability issues that that might generate. Another area of protection of this outlot are the wetlands which they cannot touch without federal protection. This is an ecological wetland area and if they need to put a trail into it and want to move a wetland, then they are required to get a 404 permit. If they wanted buildings, they would have to request a change of zone and have public hearing. They do not want to put anything in perpetuity. Forever is a long time.

Hopkins inquired about the situation with the tot lot. Seacrest explained that they had originally showed two tot lots, but the Parks Department did not appreciate having those as tot lots in their jurisdiction, given their budget and other considerations. We are also master planning a shared school/park area, so this development is providing the public space. With Condition #1.1.3, they will also add another open space recreational area. The developer is willing to give this to the city as a recreation space, without improvements. With the shared space with the school and parks, Hopkins wondered

whether there is a tradeoff as far as equipment. Seacrest stated that the staff has not asked for that. They have talked about the concept of a community recreation center; however, this has not been brought forward to Parks & Recreation or the Public School Board yet. The additional open space will be one lot.

Seacrest noted that this development has more open space than any other development he has been associated with.

With regard to an additional two-week deferral which staff is recommending, Seacrest asked that this not occur. The issues yet to be resolved are traditional issues that the Planning Commission has not historically chosen to be involved in such as who pays for the road. There is no disagreement on the location of the roads. The other issue is a pressurized booster pump, but the question is a "who pays" issue. Hopkins believes the "who pays" is dealt with by the Commission but maybe not the amounts. Seacrest suggested that there are formulas for the cost-sharing, so it's not that they are not wanting to take their responsibility.

Steward wondered about removal of trees in the outlot. Seacrest stated that they will plant a significant amount of trees to buffer the development from Hwy 34. Their commercial areas need that protection. They might not put the trees in the riparian corridor, but more along the edges. And they might not plant trees one for one, but may use bushes or native species. However, Seacrest is confident that the staff will find their plan very, very attractive. They just didn't want to have to count tree-for-tree. When you cut down a native area, there are a lot of baby trees. Steward believes that might or could possibly be in conflict with the wetland plan.

Opposition

1. Danny Walker, 427 E Street, wants to know if this development would pass under the pending stormwater management and zoning regulations that are also on today's agenda.

Steward inquired whether staff is in agreement with the proposed amendments other than Condition #3.3. Steve Henrichsen of Planning staff concurred. Steward asked whether staff would agree that without any other request and review action, the AG zoning accomplishes what staff desires but it is not forever. Henrichsen stated that the AG zoned property would be platted as an outlot and the applicant could not do any buildings without coming back through the process. The conservation easement made it a little more clear.

Hopkins asked Staff to speak to the two week deferral. Henrichsen stated that part of it is that some of the items in regard to the water mains were just presented to Public Works yesterday. He believes they have general agreement as to the cost sharing, but Planning just has not had a chance to hear back from Public Works. There are some items

unrelated to costs that need to be finalized as well. Hopkins wondered whether these issues are Planning Commission jurisdictional issues. Henrichsen advised that typically, the staff has tried to present these issues if they affect the CIP and at this point he does have this information from Public Works. The staff is generally in agreement as far as the infrastructure on the plat. The outstanding issue is the impact on the CIP. Hopkins was not convinced to defer.

Henrichsen went on to state that in general, the staff would like to have all the annexation agreement issues completed and agreed upon prior to going to City Council. He believes they have general agreement at this time.

Hunter suggested adding a condition that those situations be worked out to satisfaction of Public Works. Schwinn does not believe it is that important because it will still have to meet the approval of the City Council.

Dennis Bartels of Public Works stated that, in general, the plat was not reviewed with item-for-item comparison to the new design standards. In principle, however, he believes this application complies with the goals of the proposed requirements. But there might well be some discrepancies in some of the changes to the zoning and subdivision ordinance.

Response by the Applicant

Seacrest concurred with Bartels' comments. Olssons has been involved in that stormwater ordinance and they have tried to hit the higher marks with a lot of their projects. Seacrest also discussed the two week deferral with Roger Figard of Public Works, who gave the impression that it would not give him heartburn if this moved forward. A lot of times in the last three years, we have not had the annexation agreement done at this stage. It has never been required as a standard and he does not believe this development should be held up.

Public hearing was closed.

COMPREHENSIVE PLAN AMENDMENT NO. 94-41

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

December 1, 1999

Steward moved approval, seconded by Hopkins and carried 7-0: Steward, Hopkins, Hunter, Newman, Schwinn, Taylor and Duvall voting 'yes'; Bayer and Krieser absent.

ANNEXATION NO. 99019

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

December 1, 1999

Steward moved approval, subject to the annexation agreement, seconded by Hopkins and carried 7-0: Steward, Hopkins, Hunter, Newman, Schwinn, Taylor and Duvall voting 'yes'; Bayer and Krieser absent.

CHANGE OF ZONE NO. 3202

ADMINISTRATIVE ACTION BY PLANNING COMMISSION: December 1, 1999

Steward moved approval, seconded by Hopkins and carried 7-0: Steward, Hopkins, Hunter, Newman, Schwinn, Taylor and Duvall voting 'yes'; Bayer and Krieser absent.

SPECIAL PERMIT NO. 1808,
FALLBROOK COMMUNITY UNIT PLAN

ADMINISTRATIVE ACTION BY PLANNING COMMISSION: December 1, 1999

Steward moved to approve the Planning staff recommendation of conditional approval, with the amendments as requested by the applicant, seconded by Hopkins and carried 7-0: Steward, Hopkins, Hunter, Newman, Schwinn, Taylor and Duvall voting 'yes'; Bayer and Krieser absent.

PRELIMINARY PLAT NO. 99023,
FALLBROOK ADDITION

ADMINISTRATIVE ACTION BY PLANNING COMMISSION: December 1, 1999

Steward moved to approve the Planning staff recommendation of conditional approval, with the amendments as requested by the applicant, seconded by Hopkins and carried 7-0: Steward, Hopkins, Hunter, Newman, Schwinn, Taylor and Duvall voting 'yes'; Bayer and Krieser absent.

USE PERMIT NO. 124

ADMINISTRATIVE ACTION BY PLANNING COMMISSION: December 1, 1999

Steward moved to approve the Planning staff recommendation of conditional approval, with the amendments as requested by the applicant, except the deletion of Condition #3.3 (Condition #3.3 is not deleted), seconded by Hopkins.

In view of the proposed stormwater regulations later on today's agenda, Schwinn believes that this applicant is on the cutting edge of best management practices in creating this development. In that most of the staff feels it is close, if not exactly in compliance with the new stormwater ordinance, this is the kind of development we want to see in the future and this is what we are looking for in the new proposed ordinance. He is not concerned.

Steward agrees about the extra mile they have gone with this development to concur with the recommendations that were made in the last revisions of the Comprehensive Plan to stimulate creation of the urban village concept. His only hesitation about deleting the conservation easement is that it is more semantics than detailed principle. Everyone agrees that they are trying to do the same thing. The development is being put in place for many, many years and the conservation easement just gives the protection where the city's interests are.

Hopkins commented that the reality is that there is a lot of coalition building that goes on with these types of developments, with very little public testimony. We get used to that, but it is pretty phenomenal and she congratulates the entities involved.

Motion for conditional approval, with amendments, except that Condition #3.3 is retained, carried 7-0: Steward, Hopkins, Schwinn, Taylor, Hunter, Duvall and Newman voting 'yes'; Bayer and Krieser absent.

COMPREHENSIVE PLAN AMENDMENT NO. 94-33
TO AMEND THE TRANSPORTATION CHAPTER OF
THE COMPREHENSIVE PLAN TO INCORPORATE
TEXT AND EXHIBITS REELECTING PRIMARY
"PUBLIC WAY CORRIDORS"

and

COMPREHENSIVE PLAN AMENDMENT NO. 94-44
TO AMEND THE TRANSPORTATION CHAPTER OF
THE COMPREHENSIVE PLAN TO SHOW ANTICIPATED
FUTURE IMPROVEMENTS TO INTERSTATE 80.

PUBLIC HEARING BEFORE PLANNING COMMISSION: December 1, 1999

Members present: Steward, Hopkins, Schwinn, Taylor, Hunter, Duvall and Newman voting 'yes'; Bayer and Krieser absent.

Planning staff recommendation: Approval.

Proponents

1. Kent Morgan, Assistant Director of Planning, distributed a report of the action of the MPO Technical Committee on November 30, 1999, recommending approval of both of these proposed amendments, and a letter from State of Nebraska Department of Roads in support of the widening of Interstate 80.

Morgan explained that Comprehensive Plan Amendment No. 94-33 concerns a proposed "primary public way corridor" concept and Amendment No. 94-44 concerns the expansion of I-80 from four to six lanes, both of which are being proposed to make sure the long range transportation plan is compatible with the long range land use plan.

Morgan showed maps of the future service limit over a 5-year period. Approximately 16 sq. miles of land has been added to the future service limit.

Morgan also showed a map showing the 20-year road plan, with proposed roadway improvements, study areas and corridors to be undertaken in the 20-year timeframe of the plan. The 20-year road plan does not effectively match the 20-year future service plan. These need to be compatible.

The five-year major review of the Comprehensive Plan is coming up, but there is currently a need to amend the land use plan relative to the transportation plan. There are development applications coming in and staff is concerned about acquisition of right-of-way without proposed projects in these areas.

Morgan then showed a map of the potential expansion of Interstate 80 throughout the entire county from four lanes to six lanes. It is anticipated by the State that that project will be done within the 20-year timeframe of the plan. The map also showed a planning framework of the details of the road improvement plan for those areas. It follows the section line roads and expands that concept into those new growth areas. As the Comprehensive Plan amendment suggests, this is an interim guide until we can move forward and completely update the transportation plan. It gives staff direction and notifies the community of our intent in acquiring right-of-way.

The actual amendment includes Figure 32A and the text set forth in the staff report. There are four major objectives in Comprehensive Plan Amendment No. 94-33

- recognize that the present Comprehensive Plan and long range transportation plan need to be revised to be compatible with the long range land use plan and the future service limits;
- extend the community's tradition of using section line roadways as the foundation for our basic street network;
- provide explicit notification to the community of the City's desire and intent to develop a roadway network supporting planned urbanization; and
- offer an interim transportation planning network that staff can employ as we collectively work toward updating the actual Comprehensive Plan.

During discussion of these issues, staff discovered that these amendments comply with some goals and strategies contained in the existing Comprehensive Plan, i.e. "Establish street design standards that reflect the different needs of developed, developing fringe and rural areas." and "Plan future roadways with adequate right-of-way to allow for attractive landscaping and to minimize the effect of eventual widenings or modifications." This is where staff came up with the primary public way corridors concept with several key objectives:

- These roadway corridors may serve purposes beyond merely moving traffic. They can also accommodate other travel modes as well as be physically appealing;
- Our community's major roadway corridors may be comprised of not only publicly owned right-of-way, but conceivably private space (including possible easements) that enhance and safeguard the quality of life in the surrounding neighborhoods;

and

--the effects of future roadway widenings could be mitigated through street design and construction techniques that we might employ during the initial planning stages.

Morgan suspects that the discussion on this amendment will be focused upon the proposed 140' right-of-way width, but he urged that this is the beginning of community dialogue on how we design streets. In terms of planning framework, staff is also suggesting to set in place a process that the amendment charges staff with exploring alternative ways to integrate landscape and open space, and mitigate road widening in the future.

The underlying questions posed by Comprehensive Plan Amendment No. 93-44 are:

--Should we extend the section line roadway concept into the new growth areas as our interim street planning framework, and begin to implement this concept as applications are submitted for review in the planned urban growth areas?

--If we are to use this framework, do we replicate our existing street design concepts, or should we explore alternative designs for realizing a broad range of Comprehensive Plan goals and strategies?

--Should we extend the concept of public way from being areas devoted predominantly to traffic movement, public utilities and snow storage, to include areas with opportunities for planned landscaping, open space, and other travel modes?

--Should we broaden the public way concept to consider the potential impacts which possible road widenings may have on future neighborhoods?

--Should we initiate a process so that the community can participate in a dialog regarding these vitally important planning issues?

2. Roger Figard of Public Works and Utilities suggested that for too many years the Comprehensive Plan has been seen as the opportunity for Public Works to justify street widening projects. As we talk today about designing primary public way corridors, Public Works is committed to that concept. Time and time again, Public Works is confronted not with what we should do, but what we have to do because of what is left in a corridor. If transportation is to not degrade the quality of life and the use of land for both the property owner and the homeowner, we need a wider corridor and we need to look at how that corridor would be planned and used for roads, trails, landscaping, etc. By including this amendment in the Comprehensive Plan, it allows that preservation to occur but in no way can be construed as any authorization for a future roadway. There are plenty of opportunities for roadways through the regular planning process. The unfortunate thing

is that we plan and put a roadway in the Comprehensive Plan now, based on 20-year projection, but the life of the land use and infrastructure along side that corridor goes much beyond 20 years. We should invest in that space now so that in the future we can do something that does not desecrate the possible uses along side of it. We have not previously had the authority to ask for additional right-of-way. This gives us the opportunity to enter into that dialog to preserve those corridors where development is occurring. This is a good beginning point. It needs to be refined. Public Works is willing and interested to talk about some open space or easements rather than dedicated right-of-way.

Figard stressed that this amendment is intended to begin the discussion out on the fringe areas where we do not have a transportation plan designated. There is interest on the Council's part to talk about entryways into the City. Public Works, Parks and Planning have started a small subcommittee to talk about what we can and can't do to maintain some of those corridors in the existing built environment for the projects that are ongoing now.

Newman confirmed that this only refers to what is highlighted on Figure 32A--we are not talking about anything but the fringe. Morgan and Figard concurred. Newman wondered why there was nothing about taking out the high impact corridors. Are you going any further to start pinpointing different areas and saying sometimes widening just is not the right thing to do? Figard believes that is part of the greater discussion as we look at the whole Comprehensive Plan. The challenge now is that we have applications in those areas of town and we could not wait. We felt this needed to move ahead to give staff something to work with on those applications. Morgan added that this is as much a process as it is product. It is a broad based approach.

Steward believes it imperative to try to be out in front of being blocked in by existing infrastructure and development. His concerns are mitigating road widenings in the future. There is more than one way to mitigate road widenings in the future than wide roads for automobiles. Are we designating a transportation plan or are we designating a plan for vehicles? You have barely mentioned other travel modes—how does this fit with that? Describe why sticking to the one-mile grid in undeveloped areas is the best idea. These one-mile grids were overlaid without regard to rain, landscape, etc. But as Capitol Parkway shows us, there is an alternative, and when we have an alternative in areas that are unbuilt, have we looked at the natural topography and other reasons to break the grid? Fallbrook is a much more land form friendly development, and if it were locked in on all sides by this kind of pattern, he is not sure we would see the same kind of development. He is concerned that we get so "grid-locked" with this concrete grid that it destroys a more livable, walkable and other mode of transportation pattern.

Morgan responded, stating that Fallbrook is a good example of how this concept can be applied. We are proposing a general framework, responsive to the natural topography and other situations. This does not preclude other avenues. This is not foreseen as being grid-locked. With regard to alternative transportation modes, he is hoping the public dialog will

have to do with land use as well as transportation. How communities develop relates to how they are served with transportation. That is part of what this dialog needs to be.

Figard suggested that if we've let the community down, it's the land use that has changed and we have not been able to investigate the infrastructure needs or changes in the proposed infrastructure when that land use changed. Public Works is totally open and encouraging other modes of transportation. A simple place to start is pedestrian trails but there have got to be others as we look into the future. Public process will help give some insight.

Hunter believes the 140' is positive. With the bike trails and walking paths being on the side of the roadways, it is something that is going to have to occur. The problem she sees is inside the city--not being able to expand or widen roadways because of neighborhoods that have been established. She suggested that ring-road concepts are ways to answer the call for a city that is too congested inside.

Newman referred to 98th Street--can we only apply this to the annexed property, or can we draw outside the lines? Morgan stated that the general agreement of the Technical Committee was that we should try it here first and see how it works. If this is a viable process, maybe we should be looking at applying it and extending to other areas. The opportunity is there to expand it if the concept can work.

2. Richard Sutton, Landscape Architect, testified in support, but he would like to admonish and remind the Commission with regard to city entrances, i.e. North 27th Street. The Planning Commission has a lot to say about how land use is zoned in that particular area. Now we see that North 27th Street is headed for the same kind of problems that are occurring on East "O" where we jam businesses in there. While this Comprehensive Plan amendment is a very good idea, the Commission is making decisions about land use day to day that are going to affect things 20 years from now.

3. Kent Seacrest testified in support on behalf of Ridge Development Company, Southview Inc. and NEBCO, Inc., but is opposed to the 140'. He commended the staff for getting out ahead--we need this longer range vision. Until we do the next Comprehensive Plan update, we need something to designate the theoretic arterials, etc. But, the standard would go from 100' to 140' width and he is opposed to this 40% increase. This goes too far from a planning perspective. It will encourage a lot of medians, which the city is not funded to maintain. Bike trails are wonderful, but they should not be along arterial streets. They should be along the riparian corridor and tributaries. If 140' width is required, the developer will not want to put trails within the development but along the street. Unless we get a corresponding waiver of building setback, this extra 40' comes off the developable area. The question is, if you are going to have open space, is this where you want to put it--next to cars? Or would you rather see the open space go to the interior? Who is going to pay the utility costs when you add 40' at each intersection? Who's going to pay the extra pavement, water and sewer line? This creates less buildable area--better known as

sprawl. This 140' contributes to the aspect of sprawl. You will increase the land area covered by streets. His clients are willing to give 120' on a four lane road network and at the intersections. He commends the intent to designate arterials. Fallbrook showed homes on N.W. 12th. They now recognize that they should not have homes on N.W. 12th. But, if it is 140', it would allow a 6-lane road. Without corresponding setbacks, the distance between buildings will be too far. The canyon affect has a very serious implication. The Supreme Court of Nebraska in Simpson v. City of North Platte, has said that this is illegal. If government wants to plan this way, they've got to buy the excess right-of-way. Without an immediate need, it must be bought. Land banking is illegal in the state of Nebraska. The standard needs to be lower.

Hunter wondered what the extra 20' does. Seacrest explained that the typical 5-lane, which is a big street in Lincoln, easily fits within the 100' corridor. If you want six lanes, then you need to add 10-12' per lane. If our goal is to do six lanes, then the higher standard is more desirable. We do need more than 100' at the intersections, i.e. 120'. We have another technique called the Building Line District Map to be sure there is enough setback when government comes along and needs the right-of-way.

Seacrest agrees that 120' is acceptable at the intersections, but the rest needs to remain at 100' between intersections. Old Cheney Road from 27th to 40th is 100' of right-of-way. Curb to curb it is probably 64-66'. Is this the kind of space we want left on the outside after you've built the roadway? Newman does not think Old Cheney is an attractive corridor. There are no trees--no room for anything. Trees will not be put within 6' of the curb. Seacrest agreed that Old Cheney might not be a good example, but we've done other road widening projects within that 100' corridor.

Hopkins noted that on South 40th the landscaping is beautiful, but she wonders what that will look like in 10 years as far as maintenance. Seacrest responded that we have learned that to be sustainable it needs an irrigation system and we're trying to do it without an irrigation system. Hopkins wonders about the maintenance where there is plant material. Seacrest suggested that if we did get these wide right-of-ways, you build the four lanes on the outside first and leave the other lane in the median. That median is wide for a long time.

Sutton was allowed to make an additional comment. He designed a project for Public Works for West Highlands Blvd. which uses native and adaptive plant materials and will be a low maintenance project. The use of trees in medians is a key factor to get away from the canyon affect. If you have arterials with wide enough medians you can put in large trees, but out in areas where you want low maintenance medians, there are things that can be done with native grasses and shrubs that are easy to take care of.

Hopkins wondered whether there are any examples of the medians being turned over to homeowner associations. Sutton believes there are examples where neighborhoods have taken on the maintenance.

4. **John Layman**, appraiser, testified in support. He just returned from the east coast. He thinks it is a mistake to make the arterials every mile. They should be at two-miles. You need a wider street or arterial for commercial development such as 27th Street. Residential streets are adequate with the smaller right-of-way. We can get away from the grid system with two-mile distances. As to the width, he suggested that in land planning when planning density and making commercial development, you can plan how many people or how many vehicles and the width should be determined by that planning concept. Once you determine your density, you can determine the width of the arterial streets. It might be more appropriate for the side streets to be at two-mile intervals.

Opposition

1. **Danny Walker**, 427 E Street, testified in opposition. Before we get 140' wide beyond the city limits, he wishes someone would put tax money into his street which is only 55' wide. There is parking on both sides of that street. We're worrying about planning in the median, when less than 30% of the wheel tax money collected goes back to the streets. His insurance goes up every time one of his vehicles gets hit.

2. **Mike Morosin**, past president of Malone Neighborhood Association, testified in opposition. If we go to 140' are we going to come into the older neighborhoods and widen the arterials? With Antelope Valley they want to buy 6 lanes, but they are only going to build 4 lanes, so we are land banking two lanes for an extended period of time. He hopes we don't come to the older neighborhoods and widen those streets to the 120' or 140'.

3. **Peter Katt**, testified in opposition on behalf of the **Home Builders Association and Lincoln Board of Realtors**, and requested that this legislation be deferred for at least two weeks. This rather significant planning concept was sprung on the public and no one has had any real opportunity to review or comment upon it. He could not address all of the specific concerns for his clients because they need an opportunity to meet with them. Katt suggested that many of the issues raised by Seacrest were actually in opposition to this concept. This concept is not bad—he agrees that we should plan. These two clients have argued for good planning in this community for a long time, but the key question is, what has changed today that we didn't know five years ago when we developed the 1994 Comprehensive Plan? Staff has brought in new planning areas, but the areas where road corridors are being identified are triggered by areas that were contemplated to come in in this planning period. This legislation needs to be delayed. We need to talk about how this planning process goes forward. Katt purports that this is not intended to become part of a transportation planning network, but to provide a tool to help staff as new developments come in, i.e. grab land from developers. That is not the reason to plan. This concept needs to come forward with all of the details, and not just 140'. Why not 200'? Why not 160'? Where is the community dialog? You can't just drop this into the Comprehensive Plan. If you are really talking about planning transportation issues, that north grid needs to connect with Airpark and 84th Street or 98th Street. We need to comprehensively plan this future transportation network. The Highlands needs planned transportation in North

Lincoln. He has talked about this need for four years. Why do we need to rush to get this in the Comprehensive Plan today? The need has been here for five years. The issue driving staff concerns has been there for five years. Katt again requested a two-week deferral to allow him the opportunity to bring a more formal statement from his clients.

Hopkins inquired about the Supreme Court case referenced by Seacrest. Rick Peo of the City Law Department believes that the issues are going to be when to acquire the right-of-way and how to acquire it. The Simpson case dealt with use permits and special permits where you can't require extra dedication of land beyond the impact that that development causes just because you want more land to equate to your comprehensive plan. Simpson did not address the issue of requiring dedication under plats. That is a gray area as to how far you can go in asking. It is somewhat of a timing question as to whether it would be legal or not legal to ask for that right-of-way. Building line districts serve a useful purpose. Maybe easements would engage some of the potential legality issues. No matter what we do, there are going to be concerns as to who pays for that right-of-way.

Hopkins moved to defer for two weeks, seconded by Duvall.

Steward has real concern with the physical planning process here. There is no reason to convince him that one-mile is appropriate or that 140' is appropriate. What he is most concerned about is that it is a piecemeal road and road network strategy that does not take into account enough other related issues. He also knows that anytime we put a major right-of-way, whether 120' or 140', completely around a one-mile grid, that is a direct invitation for strip commercial at its worst and at its quickest at the edge of those right-of-ways. Further, while the canyon effect is huge at 120' to 140', think about the diagonal at the intersection of two of these. It will seem like "no man's land". It's not pedestrian friendly. There has to be some pedestrian facilitation.

Steward suggested that during the next two weeks staff give some indication that either more strongly justifies where this proposal is headed or gives some idea of a timeframe that would give them a more comfortable setting for other alternatives.

Hunter suggested it be deferred until the first meeting in January. She wants more time to get more information. Upon further discussion, the motion was changed from deferral for two weeks to deferral until January 12, 2000.

Motion for continued public hearing and administrative action on January 12, 2000, carried 7-0: Steward, Hopkins, Hunter, Duvall, Taylor, Schwinn and Newman voting 'yes'; Bayer and Krieser absent.

**CHANGE OF ZONE NO. 3216;
MISCELLANEOUS NO. 99011; AND
MISCELLANEOUS NO. 99012,
AMENDMENTS TO THE ZONING ORDINANCE,
LAND SUBDIVISION ORDINANCE AND
DESIGN STANDARDS TO ADOPT NEW REGULATIONS
RELATING TO STORMWATER QUALITY AND QUANTITY.
PUBLIC HEARING BEFORE PLANNING COMMISSION:** December 1, 1999

Members present: Hopkins, Hunter, Newman, Schwinn, Steward, Duvall and Taylor; Bayer and Krieser absent.

Planning staff recommendation: Approval.

Proponents

1. **Steve Masters** presented the application on behalf of Public Works and Utilities.
2. **Kent Seacrest** testified in support as a member of the Stormwater Study Team. This has been a two-year process of two different governments trying to work together to reach consensus as to the stormwater, floodplain and sedimentation control standards. What currently exists has proven not to be successful. Seacrest has been in charge of consensus building and he believes that the substantial majority is in agreement. Seacrest submitted a list of 481 stakeholders that were involved in the process. There was a Mayor's Citizen Advisory Committee that started the process for the first year working on the "big picture", which discovered five general areas where we are falling short. They worked with the 481 stakeholders on that process. At the first workshop there were 49 in attendance which developed five general policy areas: 1) Encourage voluntary use of stormwater system best management practices; 2) implement required best management practices for construction site activities; 3) address tributary flooding; 4) address local flooding; and 5) implement stormwater regional and detention storage facilities.

Seacrest then showed a video of some of the problems that this legislation is attempting to address.

An open house was held at which 50 people attended. The biggest group expressing interest were developers and real estate interests. While they do not like regulations, they would rather have them if they are clear and consistent with a level playing field. Clear regulations do level the playing field and they are welcome. The regulations must be uniformly applied. Developers express downstream protection interest. When upstream people don't do their job, the sedimentation comes downstream. It costs over \$60,000 to dredge ponds. Developers do not like floodplain creep. Many developers have voluntarily followed spirited regulations. If the ordinance does not go forward a lot of the volunteer developers won't go forward either. We have new federal requirements, new state requirements, new NRD laws, new 404 requirements and new NPDES permit

requirements, which require us to do some of these things. This legislation attempts to get rid of or reduce channel liners. By going more natural, we get more trees, more wildlife, more diversity and it looks better than channel liners. Tributary flooding scours the creeks which are not safe. Bridges are wrecked and must be repaired or replaced.

3. Bob Wolfe, Olsson Associates, testified in support. Olssons has been working with the NRD and the City on this project for the past two years. There are two types of flooding: localized flooding where the water can't find its way around or through buildings, or where the tributaries and channels behind developed buildings have become overloaded. The basic approach for handling the flooding problems is to look ahead and try to determine how much water is going to come through a development from a 100-year type storm and how much space that water requires to get through safely. This is about refining many of the things that the criteria and standards addressed previously.

Previously, there has not been much focus on the 100-year storm. This legislation looks ahead to see that there is 100-year capacity at street right-of-way and cross-sections. It attempts to find overflow routes that are designed between buildings to allow water to get safely back through into the tributaries. It leaves adequate space for tributaries behind the buildings to accommodate the 100-year storm.

As far as sediment and erosion control methods, much of the sediment and erosion is from construction sites. These are currently addressed by three tiers of legal requirements: local subdivision regulations, state statutes and federal regulations; but it has not been followed adequately in the past within the city. The city needs to take a more active role to see that this is accomplished. We are trying to figure out how much water is ultimately going to come through those corridors, leave enough space and figure out how deep that water is going to be. That's what these new standards are about.

4. Don Taute from the City Attorney's Office has been involved with the advisory committee since it's inception and prior to that, the Mayor's Task Force that dates back to the early 90's. This is largely a result or reaction to federal legislation which came into being in 1990 via amendments to the Clean Water Act, requiring an NPDES permit. In response, the city proceeded with preparation of a Part I NPDES permit for stormwater management which was submitted in spring of 1992. Part II of that permit was submitted in 1993 to DEQ, and it was some five years later that a response was received which set forth what needed to be done. In the interim, the advisory committee developed some recommendations to address many of Lincoln's stormwater needs and prompted many of the issues. There are certain mandatory requirements of the NPDES permit, i.e. demonstrate adequate legal authority for handling stormwater quality and quantity. Through this process and the ordinance revisions, we are trying to implement those mandatory requirements and not go beyond what is required as far as meeting the federal requirements. Three policies that the ordinance revisions address are 1) construction site recommendations dealing with sedimentation and erosion control; 2) flooding along channels; and 3) minimizing localized flooding. The staff report addresses the real

technical changes and what you will find is that we had ordinances in place that addressed many of the issues for these policies, but because of the NPDES requirements and some of the other aspects of those policies and discussions that took place, there were areas that needed to be tweaked. There are relatively minor language changes to the ordinances in both Chapter 26 with respect to subdivision requirements and Chapter 27 with respect to zoning. In zoning, the major impact is to address the degradation of the land to avoid grading and removal of a lot of vegetation before it gets to the subdivision process. Grading and drainage plans will have to be submitted in a change of zone application rather than just a subdivision application. The staff report sets forth instances in which there were complaints regarding sedimentation and erosion control. A section is added to chapter 26 that deals specifically with that issue.

Taute suggested that undoubtedly there will be someone wanting a delay of this legislation because they have not had time to review it. He pointed out the chronology of events in the staff report which outlines the process. Taute made a presentation at the Stormwater Advisory Committee in January of 1999 which summarized these changes. There have been very minor changes since then. The design criteria manual and design standards were presented to a number of developers and engineers in May of 1999, and an open house was held in October in 1999. He does not believe a request to delay would be warranted.

Taute suggested that the outline of the ordinance changes in the staff report is very comprehensive and includes all the changes. Page 6 of the report is a summary breaking down the three policies.

5. Glenn Johnson, Lower Platte South NRD, testified in support. The NRD has also studied the economics of how these policies would impact the community in terms of cost and benefits. It was found that the benefits would be both direct and indirect—less polluted runoff going into the streams and lakes, less silt on the streets, reduced threat of localized flooding, reduced cost of retrofitting, improved public safety and maintaining natural riparian rights-of-way. As outlined in the staff report, the cost to implement all five of these policies would increase the cost of new homes in Lincoln by approximately ½ percent. One-fourth to one-half of that is a cost that is already borne because of state, federal or local laws.

Sometime this spring, the Planning Commission adopted one of the five policies on the detention ordinance. The bulk of the costs are already required or were involved in that detention storage ordinance. There are three separate sets of requirements administered through the Nebraska DEQ: city, NRD and federal. The proposed ordinance, under an anticipated cooperative agreement between the city, NRD and DEQ, would use the design criteria as a common standard and would require the preparation and submittal of only one plan for all three and would coordinate inspection and enforcement. Public Works and the NRD request the Commission's favorable consideration for the benefit of the community.

Steward does not believe it is clear from the materials as to the relationship of these standards to county-wide enforcement. Is it the NRD that will oversee enforcement throughout the county? Johnson responded, stating that right now there are three sets of standards. The only standards that the NRD has authority to enforce are those under the Nebraska Erosion and Sediment Control Act, on a complaint basis. The adoption of these ordinances would place enforcement responsibility upon the City or the County, should the county adopt comparable ordinances, and the NRD would then not be the enforcing agency. Steward noted that we have a City/County Comprehensive Plan, we're looking at ordinances for the City, and we know the water doesn't start and stop at the County Line. How do we insure that this strategy, these conditions, these objectives, cover the entirety of our comprehensive plan responsibility? Johnson advised that there is a phase II NPDES rules and regulations that were signed by the EPA in October. During the next 2 ½ years, Lancaster Co. will fall under those requirements, also. The County is not now under those requirements unless the grading site is greater than 5 acres. If there is excessive erosion and someone files a complaint, then it falls under the NRD Erosion and Sediment Control Act. At the time of the phase II requirements, Lancaster Co. is probably going to have to look at a very similar set of requirements. But in the interim we have two acts that do apply.

6. John Layman of Layman & Associates testified in support. He helped evaluate the committee's work in 1998 and they went out and visited with land developers to get their input and assessed the costs. Most generally, the land developers were favorable. His economic evaluation looks at the design standards using estimates of relative costs in the analysis of time required by the land developers and city staff and maintenance down the road. They were encouraged from looking at the market place, because there appears to be an economic benefit that by far outweighs the cost. The costs will be offset by increase in values. Some of the costs over which builders have no control, such as cost of materials, have gone up 5 to 10 percent. Stormwater problems will decrease over time. The specific design standards will assure future owners that the maintenance requirement will be based on the existing recorded plan. The recorded plan will provide owners with location of required easements which are for their benefit and their neighbors.

7. An attorney and member of Sierra Club, testified on behalf of **Blue Stem Group of NE Chapter of Sierra Club**, in support. This is an excellent start to protect our land and water resources. They would oppose any weakening of the standards and concepts set forth in these amendments. The creation of these minimum flood corridors will help prevent problems in Lincoln. The control of development in the floodways will prevent or minimize erosion and preserving trees and vegetation will reduce runoff erosion. The Sierra Club fully supports any future ordinance changes to protect the quality of water in our streams.

8. Rich Wiese, testified on behalf of **Lower Platte South NRD** as a Director and as a member of the Urban Subcommittee, in support. He served on the Stormwater Task Force. It has been jointly funded 50% by the NRD and 50% by the City. The NRD and City have a long and successful story of working together. The District pledges their

continued cooperation. As these policies were being developed, there was a significant education and information effort. Numerous meetings with developers, engineers, land use attorneys, homeowners associations and others have resulted in greater understanding of the need and the acceptance of the proposed policies and standards.

9. Tim Knott, testified on behalf of the **Wachiska Audubon Society** in support. He complimented the Mayor's Stormwater Task Force, Planning staff and NRD who helped. In general, Wachiska supports the standards not only because they protect the citizens, but they also have the incidental benefit of protecting wildlife habitat, trees, wetlands, etc. Knott suggested that there are some improvements that can be made to these ordinances; for example, the definition of "minimum flood corridor". Because our streams are shallow, this means the minimum width would be a little more than 30'. It seems likely that this would be too narrow in many cases to provide the necessary flood water capacity. He suggested that a more flexible standard based on average flow of the creek would be a better way to serve the community's interest. Or perhaps a 50' wide corridor for smaller streams and 75' for larger streams. The cumulative effect of many small land filling and grading operations seriously reduce flood storage capacity. A land disturbance ordinance is needed. It might be more reasonable to establish a land disturbance ordinance based on a one-acre rule than a two-acre rule.

Knott further pointed out that the city does not now have authority to regulate development along or adjacent to medium size streams or outside the FEMA delineated floodplain. Some management authority by the city is needed to prevent development and loss of capacity to these creeks. The City also needs authority to manage the larger FEMA managed creeks as well. Knott believes the proposed changes are a minimum set of standards that will allow Lincoln to deal with its growth, but he would like to see the definition of "minimum flood corridor" improved.

Hopkins asked whether Mr. Knott had a proposed definition to suggest. Knott did not have specific language but he believes the minimum standard should be expanded to include a broader width channel to protect the wildlife habitat as well as the flood capacity.

10. Russell Miller, 341 So. 52nd Street, who owns commercial property in the South Bottoms, testified in support. He knew when he bought the property that it was 2.3' below the floodplain, but he did not know that city policy would make this flood damage worse by permitting development in the Salt Creek tributary and the floodplain. Today, the flood runoff would be 80% greater than using 1978 data. The question is, where does that extra water go? Obviously, some of it will increase the height of the flood level on his property. Maybe this could have been prevented if these standards had been in place at that time. This first step needs to be taken. A \$70,000 property will cost approximately \$620.00 per year for flood insurance. The South Bottoms area which is in the floodplain is assessed

at approximately 21 million dollars. The citizens are spending all that money for flood insurance. This money is leaving town. If we had better flood control laws, we would not have to pay as high insurance and there would be more money available to spend in these developments that are causing the increased runoff.

Miller also urged that we look for regulations that would enforce a zero net rise policy which would then correct the problem occurring at Beal Slough. He suggested giving the Planning Dept. the assets and assistance to completely assess the impact of a new development and provide Lincoln with a fully urbanized flood plan.

11. Richard Sutton, landscape architect, who served on the Mayor's Stormwater Task Force, testified in support. However, as individual lots are being developed years after the approval of the subdivision, there needs to be some mechanism between the time of subdivision and the time of building the house to control the erosion. The city should be responsible in its codes department for enforcing this legislation. The NRD will be doing the inspection on the sites, but why should the City contract out to another entity to have work done that is in the purview of our development and occurs within the City. He supports the changes, but he is chagrined and embarrassed that it took the hammer of the EPA to make this happen. The City should be out in front. This should have been in place 10-15-20 years ago.

12. Scott Holmes, Chief of the Environmental Health Division of the Health Dept, testified in support. So far no one has mentioned the original Mayor's Task Force which concluded in 1994 that sediment is the primary pollutant that should be reduced in the Lincoln area. The focus at that time was on the concept of voluntary action. That has in fact happened, but there is a time where we do need to take action to enforce codes that should be applied.

Steward asked Holmes whether he sees direct or eventual application of this from a county perspective. Holmes is hopeful. The code now will apply to the three mile limit and the vast majority of development is in the 3-mile limit.

13. Peter Katt appeared on behalf of the Lincoln Board of Realtors and partially on behalf of the Home Builders Association of Lincoln. Notwithstanding the comments about deferral by Don Taute, Katt requested an additional two weeks to provide additional time for his clients to consider the specifics of these amendments. This is a very complex ordinance. Generally, the development community would support this legislation. The policy choices to be made deal with quite specific aspects of the program which asks the policy makers to decide whether the goals that are sought to be achieved can be accomplished with less costly alternatives. Katt does not have the luxury of having served on the advisory committee and he is not sure he has the ability to address all of the specific issues in the letter submitted by the Lincoln Board of Realtors. He believes this proposed legislation creates a lot of cost for projects. Every thousand dollars added to a home results in that many less people being able to afford the home. It incrementally adds to the

regulatory cost of housing in the City. We are already seeing people flee our community for other locations that don't have the same regulatory requirements. It's the cost issue. Are these all absolutely necessary? Can we achieve the objectives at lower cost?

Katt suggested that the proposed amendments have two major components--one dealing with subdivision regulations. His clients have not had full opportunity to assess the language that implements the no disturbance into the zoning text.

They understand the objective, but the language that has been chosen raises some questions about whether it requires the submittal of another plan once a lot has sat on the market for some time after going through the subdivision process. The detailed interrelationship between the subdivision approval process and the blanket statements in the zoning text have not been fully thought out.

Katt suggests that another problem in the general concept is that all of these ideas in terms of maintaining overflow land routes all contemplate easements through these areas and it amounts to somewhat of a degree of regulatory overkill. It creates a tremendous amount of paperwork to make any changes. There is some thought that needs to be given before we act on this report.

It was noted that the staff has not had opportunity to review the proposed revisions set forth by the Lincoln Board of Realtors. Newman does not appreciate the end run. Katt explained that the Planning Commission agenda was mailed out last Wednesday, the day before a holiday. He received it in his office on Monday. He has not had a chance to meet with the Board of Realtors. The proposed amendments submitted today are their best attempt to get the information in front of the Commission.

Hopkins appreciates that the amendments are typewritten; however, anytime everything is not totally together, she will suggest deferral. This is huge. If everyone is not together, she has no problem delaying.

Steward noted that the Commission was handed a list of stakeholders with 3 ½ pages of builders and almost four pages of developers. He asked Katt whether none of his clients' members have had input. Katt did not know what document was being referred to. Schwinn noted that these stakeholders did work to create the consensus but it does not necessarily mean they agree. Katt agreed that there had been a public process involved. The last meeting of the community group was January 1999, and they were presented with proposed ordinances. That group has never been reconvened to evaluate the final product. This is the first public opportunity for there to be substantive public comment in this type of setting. The members of his clients have participated in the process and they support the general goals. But there are some specifics in the recommendations that could be improved and accomplish the same results and cost our city less dollars. That's the goal of his clients.

Steward referred to the proposed language regarding riparian vegetation and clarified that Katt is suggesting that flood corridors shall be preserved. Katt wants to "encourage" rather than "mandate". Katt suggested that the revision he is suggesting matches what happened in Fallbrook that was just approved today. He is trying to point out that the more detailed regulations you develop, the less ability there is for the market to be flexible and respond to unique needs. People should have choices in our community about what they have.

14. Danny Walker, 427 E Street, spoke with mixed emotions. There has been a huge amount of damage done to the floodplain over the past few years. There were 295 permits issued, 95% of which dealt with industry, business, and multi-family housing. The cost of the regulations is a concern for Lincoln Board of Realtors. Lot prices will increase significantly. Walker read from a newspaper article dated February 9, 1992, which discusses this very topic -- now we want to defer? You've got to be joking. Why defer any longer? Let's get serious. The only thing he objects to is the huge amount of damage done to the floodplain.

Hunter strongly believes that part of the process is to be sure the Commission has all the facts and as much information as possible before making a decision. She believes that delays are required to make the right decision and address all of the issues with as much information as possible.

Walker does not understand the basis for the deferral because he attended a public meeting in the last three months on this proposed ordinance, but the Home Builders nor the Board of Realtors were there. Walker does not have to be impressed with anyone if he doesn't want to. The development of Beal Slough is going to cost the taxpayers over 15 million dollars to straighten that mess out.

15. Mike Morosin, past president of Malone Neighborhood Association, testified in support. Every citizen in Lincoln is a stakeholder and he supports this legislation because it is a start to try to make some changes. He hopes that from here on out we keep making the changes.

16. Glenn Ceka, 1420 C, testified in support. We are talking about a moving train. If we know some way to control the weather—fine, but it's not like turning the thermostat off and on. One of these days we are going to have a rain storm and we are in trouble because we are surrounded by a bunch of liars. Some developers are good and some are bad. We are sitting around here lying to each other. He believes what Mr. Katt said was pathetic. We have to begin and start. We are going to make mistakes. Persistence. Shooting for the highest and best use of things in order to make this a good city. He is sick and tired of people coming up and representing just their interests. We need to start realizing that we need to quit playing God. We need to take the dollar bill and quit admiring it as if it is the answer to all things. We need to start respecting ourselves and others, and that includes nature. We haven't got many answers, but we have some. We have a hell of a

morality breakdown here. We don't have to be like anyplace else. We can be like we want to be. We can have the kind of city we want. Money is not our problem. It's a matter of education and honesty and persistence. The weather won't wait for us. This ordinance has a lot of holes in it but it's a beginning. Our biggest mistake is to sit around and do nothing.

17. Rick Krueger testified on behalf of Krueger Development and as President of Nebraska Housing. He has concerns about this ordinance and he is not sure they are on the positive or negative size. One-half of 1% cost, based on last year's single family housing, comes out to \$706.00 per dwelling unit. Thus, the total cost to the citizens is about \$704,000/year. Krueger is disappointed that the subdivision requirements did not come out with anything regarding changing curb and gutter design and putting more swales next to the streets. He did attend a number of the meetings and felt like a lonely voice crying out in the wilderness. Within the design standards there seems to be a merging of stormwater management and ecology that puts us into the area of subjectivity. When talking about saving riparian areas, by its very nature, those are hard to quantify and every subdivision would be some sort of a give and take as to what needs to be mitigated, maintained, etc. He is concerned that the minimum flood corridor width is too wide. That came out of the Corps of Engineers manual where they have jurisdiction. The Corps does not have jurisdiction in any of these areas. We need to squeeze that down. It is almost going to be impossible to limit people from putting fences in side yards or back yards if they are going to have overflowing areas.

Krueger is in favor of showing the building elevations on the preliminary plat.

Krueger believes that we do have an opportunity here if we want to grasp it in trying to get the Corps of Engineers to embrace our design standards so that they are automatically approved by the Corps.

Steward asked how we can get the Corps of Engineers to approve our design standards if we are below their minimum. Krueger indicated that the National Home Builders Association is doing some work with the Corps in this area. He is optimistic that they can get together with them. There is a provision in the Corps guidelines to create a region standard.

18. Ken Reitan, 2310 South Canterbury Lane, testified in support. This proposal is a big step forward; however, he would like to see some small changes. He referred to line 21 on page 5, regarding preservation of trees, and suggested that there needs to be stronger language here to insure that all or most of the vegetation is retained. The perception that these places are a health hazard because they are places where mosquitoes can breed is exaggerated. Much, if not most, of the wildlife habitat is destroyed when some vegetation is removed or trimming is done.

Reitan then referred to line 2 on page 9, regarding drainage and area equal to or great than

150 acres. He would like to see the FEMA delineated floodplain included and the 150 acres changed to a smaller figure to help preserve the intermediate size streams and drainageways.

Line 21 on page 2; line 29, page 9; Line 19, page 30; and page 11 talk about the prohibition of land disturbance without a drainage and grading plan changed from 2 acres to something less. He pointed out that the City code has no penalties for developers who violate. For example, in the development north of 84th & O, Kohl's, the trees were supposed to be preserved but they were not. The approved plan was violated.

Another issue that he does not believe is addressed is the preservation of wetlands. Something should be included and he presumes the city can go beyond the level of protection provided by the federal government for wetlands.

Reitan believes the deletion of "liners" on page 5 is very positive. Installation of concrete channel liners is the primary reason for destruction of wildlife habitat along our drainage ways.

Reitan sees these changes as a big step forward but believes some improvements could be made.

19. Terrence L. Kubicek, 1800 S. 53rd, testified in support on behalf of the **Friends of Wilderness Park and as President of Homestead Alliance, Inc.** His first concern is one of public safety and environmental concerns. Essentially, one could encourage smart development for today and sustainable development for the future. In that regard, he applauds the work of the Planning Commission and staff. This is a rather bold step to be taken because it attempts to chart new ground, but one of the risks is that it may create a false sense of security and does not go far enough in the minimum standards. He would endorse the concept with the county, city, NRD and NRC to embark upon a 100 year frequency floodplain study under a fully urbanized condition. This is the only way to have a standard that can be referred to. It would be one standard, one benchmark that we could all refer to and work from. Anything less puts everything at risk.

Kubicek also observed that this ordinance should proclaim that the 100 year floodplain will have "no net rise" and "no net loss" of storage, and will be based on fully urbanized future condition assuming a 70% hard surface of development. The 100 year frequency study should be conducted on Salt Creek and its major tributaries, including drainageways, particularly in tracts of 40 acres or greater. The 150 acres has not been discussed in terms of why that number was selected and he believes it is worthy of discussion. He believes a 40 acre size is more applicable. In the interim while this study is conducted, this ordinance could provide a standard which he believes is reasonable. The city and the county could delineate that on creeks, tributaries and drainageways so developers are on notice and could require an identification of those drainageways, their width and location on the drainage and grading plan. That would be the appropriate time for that information

to come forward.

As far as enforcement, Kubicek believes the city and county should enforce the standards. It's really not appropriate for the NRD as the NRD is not a regulatory agency. The Sedimentation and Erosion Act requires, upon complaint, that the NRD fund up to 90% of the cost of any activity that solves the problem based on the complaint. To date, the NRD's have not been aggressive to use 90% of the cost out of their own budgets, with no reimbursement to address those issues.

Kubicek suggested that the appropriate ratio for mitigation might be 2-to-1.

Hopkins made motion to continue public hearing with administrative action on December 15, 1999, seconded by Duvall.

Hopkins thinks there have been a lot of good suggestions. She would ask staff and the heads of the groups to go through their notes and respond to all the suggestions made by everyone today. The purpose of the public hearing is to see the final document. She takes this job seriously. She wants time to hear what everyone has to say and analyze it before taking action. The purpose of this group is to study and take action. She is supportive of deferring this for 2 weeks.

Newman has a problem with people saying they haven't seen the final document until a few days ago and then proposing all kinds of changes that staff hasn't had time to review. The Planning Commission had a briefing from Nicole Fleck-Tooze of the Planning Dept. on this 4 weeks ago. She wanted to know how long the final draft has been available to the public.

Ms. Fleck-Tooze replied that the final meeting of the Stormwater Advisory Committee was held in January of this year. At that time, a full summary of the ordinance changes was before the committee. At that time, Mark Hunzeker of Peter Katt's firm, was a member of the committee. On October 19 of this year a workshop was held. Notices were sent to 500 people. Drafts of the ordinance language were available at that time. There were contact names and numbers listed on the flyers in case of any questions. On November 4, 1999, a letter was sent to committee members where copies of the proposed revisions were enclosed. On November 19, 1999, a letter went out to 500 stakeholders again letting them know of the public hearing today. The materials have been available at the library and Kinko's.

Hopkins is pleased with all the groups and agencies who have been involved with this.

Schwinn wondered how many changes have been made from the draft that the Stormwater Advisory Committee saw at their last meeting. Ms. Fleck-Tooze replied that only a few changes have been made in response to comments they received. It is very close to the first draft.

Hopkins believes there are many reasons for public hearings. She needs time, based upon all the information heard today, to sift through the information and make a decision. She needs time to study. She is appreciative of all the public meetings but this is a process to receive testimony and take time to decide, if needed.

Newman gets annoyed when someone comes up with 2 pages of amendments that staff hasn't even seen yet. It always seems to be last minute. City staff has a right to see these things before a decision is made.

Motion to continue public hearing and administrative action on December 15, 1999, carried 6-1: Duvall, Hunter, Hopkins, Newman, Schwinn and Taylor voting 'yes'; Steward voting 'no'; Bayer, and Krieser absent.

Don Taute realizes that no matter how many public meetings are held, it does not take the place of a public hearing. But on October 19, 1999, if the Board of Realtors had concerns, it should have been brought up so that the staff could have worked through them. He wonders if 2 weeks is going to be long enough. He cautioned that it is possible that all parties won't agree on everything.

Steward thinks the deferral is useful for several reasons. One concern is the matter of enforcement. That is a question that needs to be resolved before we go on. On some circumstances surrounding this, we have made some terrible choices. We are not as bad as some other states because we haven't suffered the way some have. It is usually the poor who suffer most. The poor sites relative to natural mitigation usually have floodwater fall into their lot and others of us have more choices. The cost of this regulation is not sustainable in life term costs. We need to be ready to consider the full community. He heard a comment that it is regulatory overkill. If we all would do the right thing and respect the natural environment, we wouldn't need the regulation. He hears a claim that ecology is suggestive. It is a science. It is a web that we have to be prepared to deal with. He believes this is a huge step forward for the city of Lincoln and we have a huge debt to pay to all the many people who have worked on this.

Schwinn hopes the staff can get comments together on all of this before the next meeting.

Steve Masters is unclear as to what staff has been asked to do. Schwinn would like staff to respond to the comments made by everyone at the public hearing today.

Hopkins believes it would be helpful if the groups that met would discuss the comments made today.

These items will have continued public hearing and administrative action on December 15, 1999.

SPECIAL PERMIT NO. 1512D
AN AMENDMENT TO THE
AUTUMN RIDGE WEST COMMUNITY UNIT PLAN
ON PROPERTY GENERALLY LOCATED AT
N. 21ST STREET AND GREENSPIRE
PUBLIC HEARING BEFORE PLANNING COMMISSION:

December 1, 1999

Members present: Hopkins, Newman, Schwinn, Steward and Taylor; Bayer, Duvall, Hunter and Krieser absent.

Planning staff recommendation: Conditional Approval.

Proponents

1. **Peter Katt** appeared on behalf of the applicant. They are in agreement with all conditions except Condition #1.1.4 on page 140 which requires the adding of a note that the final plat not be scheduled to City Council until Folkways and N. 21st St. have been completed. This roadway is outside the boundaries of this plat. It is on right-of-way owned by the city. The applicant does not control this area. The city could have required this be paved in previous subdivisions but chose not to. The traffic counts for this subdivision actually decrease trips and they believe this is an unreasonable requirement.

There was no testimony in opposition.

Steward would like to hear staff comments on Katt's request. Rick Houck of Planning staff stated that staff would be opposed to that condition being deleted. The original community unit plan of Autumn Ridge was done in 1995 and at that time, there was a condition of that plat that there be no subdivision of the western portion until an additional connection is made out of this area. The developer agreed to this. The idea was to keep Sea Mountain Road from becoming overloaded with traffic. When Autumn Ridge West was developed, there was controversy between the CUP and the preliminary plat. The preliminary plat indicated that N. 21st and Folkways Blvd. should have been constructed before a final plat. The CUP indicated that the roadway should have been completed before building permits. Staff's concern is the increase of traffic on Sea Mountain Rd. and on Folkways Blvd. Sea Mountain Road is a local street. The threshold is about 2,500 trips a day. This development was completed with about 2,300 trips a day. This is unsafe with all the elderly people living on Sea Mountain Rd. There have been at least 2 final plats approved on the northern portion that will make an eventual connection to the Fletcher collector. It is likely they might be completed before next spring. He does not think requiring a final plat to do this is unrealistic.

Hopkins needs to understand where the roadway is. She questioned if this is the same applicant as before. Houck replied that this applicant is not the same as the original developer. The new developer agreed to this last year when they came in with this proposal.

Rick Peo of the City Attorney's office does not think he can address the legal issue without looking at the original CUP and tracking the ownership changes.

Schwinn wondered the bulk of traffic now heads down Sea Mountain Road. Houck replied that to be correct. Schwinn wondered if Fletcher was graded. Houck believes they are in the process of grading now.

Steward wondered how many residents are on Atwood Lane. Houck replied that it is single family houses. That would be about 9 trips a day. On Atwood Circle, it is duplexes. That would be about 4 trips a day. Admittedly, the count is lower than the threshold, but with the elderly residents, traffic is a concern.

Peo does not know if there was a prior agreement with the CUP. He does not know if this is a legitimate request or not. It is an unusual one. Hopkins noted that staff could research this and present the opinion to City Council. She wondered if Peo would advise the Planning Commission to leave the condition in or out. Peo does not think it would matter either way.

Response by the Applicant

Katt noted that the staff report indicates that an executive order has been requested by the current land owner. In his opinion, the staff condition has been satisfied. Houck also pointed out that this client is in the process of bringing on additional land to the north. It is likely that there will be the north access as well before these are on the market.

Hopkins wondered if something could be suggested to another condition that would appropriately represent Katt's position. Katt stated that his concern is not that the roadway be built but the timing of it. Given the fact that this is a circumstance outside his client's control, they have agreed to do 1 of 2 things-- either an executive order be requested or a district created. Right now, an executive order has been created. He believes the requirement has been satisfied. The applicant wants to make sure there is sufficient ingress and egress to insure a marketable property.

Steward noted that by keeping this condition, the applicant still has marketable lots. His client has some responsibility for traffic conditions that have been created. Katt replied that the different configuration would create 3 more lots but change the traffic count. If the issue is traffic, the revision to the plat improves traffic from what already exists.

Public hearing was closed

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

December 1, 1999

Steward moved to approve the Planning staff recommendation of conditional approval, seconded by Newman.

Steward believes that staff's concern is legitimate. Traffic is a big concern along with safety.

Hopkins wondered if Steward would be willing to add a condition so the timing wouldn't have to be quite so immediate as stated in Condition 1.1.4. She would like to hear from staff. She wondered if moving Condition #1.1.4 to another portion of the staff report makes a difference. Items under section 1 have to be done sooner than others. Houck said if the condition were moved to before receiving building permits, he would not be real happy, but would find it acceptable.

Hopkins made a motion to amend to delete Condition #1.1.4 and add a new Condition #3.3: Folkways Boulevard and North 21st Street to the south or another access to the north of this area have been completed, seconded by Taylor. Motion to amend carried 5-0: Hopkins, Newman, Schwinn, Steward and Taylor voting 'yes'; Bayer, Duvall, Hunter and Krieser absent.

Main motion for conditional approval, as amended, carried 5-0: Hopkins, Newman, Schwinn, Steward and Taylor voting 'yes'; Bayer, Duvall, Hunter and Krieser absent.

SPECIAL PERMIT NO. 1135C
AN AMENDMENT TO THE
FLINT RIDGE 2ND ADDITION COMMUNITY UNIT PLAN
AND
PRELIMINARY PLAT NO. 99024
FLINT RIDGE 2ND ADDITION
ON PROPERTY GENERALLY LOCATED
AT SOUTH 66TH STREET AND SOUTH STREET
PUBLIC HEARING BEFORE PLANNING COMMISSION:

December 1, 1999

Members present: Hopkins, Newman, Schwinn, Steward and Taylor; Bayer, Duvall, Hunter and Krieser absent.

Planning staff recommendation: Conditional Approval

Proponents

1. **Ron Ross** appeared on behalf of the applicant. He noted that Flint Ridge has been totally built. The plan is to join and become part of the Flint Ridge Association. This area

is totally developed and occupied. He has talked to Dennis Bartels of Public Works. Mr. Sieck is a successful utility contractor. He constructed the sanitary sewer. Public Works asked for an 8 inch and he put in a 6 inch. He asked for a private permit which is the normal way to do this. Bartels has indicated that he would not have a problem with 4 of the townhouse lots being served by a private sanitary sewer. Therefore, Ross suggested that Condition #1.1.13 in the special permit and the preliminary plat have the following language added: "All the lots served with public sanitary sewers except for Lots 7-10 of Block 4, which are to be served by the private sanitary sewer that has already been built."

Newman questioned whether all of the neighborhoods have been contacted. Ross noted that they have been met extensively and he believes everyone is happy.

There was no testimony in opposition.

Public hearing was closed.

SPECIAL PERMIT NO. 1135C

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

December 1, 1999

Hopkins moved to approve the Planning staff recommendation of conditional approval, with amendment to Condition #1.1.13 to read as follows: All the lots served with public sanitary sewers except for Lots 7-10 of Block 4, which are to be served by the private sanitary sewer that has already been built., seconded by Steward and carried 5-0: Hopkins, Newman, Schwinn, Steward and Taylor voting 'yes'; Bayer, Duvall, Hunter and Krieser absent.

PRELIMINARY PLAT NO. 99024

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

December 1, 1999

Hopkins moved to approve the Planning staff recommendation of conditional approval, with amendment to Condition #1.1.13 to read as follows: All the lots served with public sanitary sewers except for Lots 7-10 of Block 4, which are to be served by the private sanitary sewer that has already been built., seconded by Steward and carried 5-0: Hopkins, Newman, Schwinn, Steward and Taylor voting 'yes'; Bayer, Duvall, Hunter and Krieser absent.

STREET AND ALLEY VACATION NO. 99012
TO VACATE THE SOUTH 5'6" OF RIGHT-OF-WAY
OF Q STREET, GENERALLY LOCATED
ON THE SOUTH SIDE OF Q STREET BETWEEN 11TH AND 12TH STREETS
PUBLIC HEARING BEFORE PLANNING COMMISSION:

December 1, 1999

Members present: Hopkins, Newman, Schwinn, Steward and Taylor; Bayer, Duvall, Hunter and Krieser absent.

Planning staff recommendation: Deferral for 2 weeks until input from the Urban Design Committee can be incorporated into the report.

Rick Houck of Planning staff appeared on behalf of Ed Zimmer and stated that the Urban Design Committee met today and made a recommendation of approval on this item. Houck changed the staff recommendation to approval with a finding of conformance with the Comprehensive Plan.

Newman wondered why we are vacating a street instead of leasing. Houck understands that Applebee's does not want to work through a special permit process for use of the right-of-way.

Proponents

1. **Tim O'Neill** appeared on behalf of **Applebee's Corporation** and stated that the lot is 27 feet and will be owned, but the building is 33 feet. They don't want to lease 6 feet of the building.

There was no testimony in opposition.

Public hearing was closed.

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

December 1, 1999

Steward moved to find the proposed vacation to be in conformance with the Comprehensive Plan and approval, seconded by Taylor and carried 5-0: Hopkins, Newman, Schwinn, Steward and Taylor voting 'yes'; Bayer, Duvall, Hunter and Krieser absent.

COMPREHENSIVE PLAN AMENDMENT NO. 94-42
TO ADOPT THE WILDERNESS PARK SUBAREA PLAN
AS AN APPROVED SUBAREA PLAN OF THE
1994 CITY OF LINCOLN-LANCASTER COUNTY
COMPREHENSIVE PLAN.
PUBLIC HEARING BEFORE PLANNING COMMISSION:

December 1, 1999

Members present: Hopkins, Newman, Schwinn, Steward and Taylor; Bayer, Duvall, Hunter and Krieser absent.

Planning staff recommendation: Approval

Mike DeKalb presented a letter from the Lower Platte South NRD in support. DeKalb also presented a corrected page of the subarea plan. He explained that this request is to adopt the Wilderness Park subarea plan. It is in 5 pieces and would be added to the lists of subareas of the Comprehensive Plan. This comprehensive plan amendment reflects 4 years of work by a lot of people but meets the original timeline that was laid out in 1998. The entire document of the subarea plan was in the library the week of November 15th and available at Kinko's for purchase. The City/County Commons was briefed on November 15, 1999. The total report was put on the city's website on November 22, 1999. Postcards were sent to all participants in the working group. One final note for clarification; the summary that was in the newspaper was good overall, but listing the closure of Old Cheney Road as a result of this action is incorrect.

Proponents

1. **Kip Hulvershorn** testified in support. The vision statement was an extremely important part of the process. The primary purpose was flood protection, natural arteries to protect stormwater, wildlife and trails, escaping the urban landscape, a place for nature related recreation, a place to enjoy nature and a green corridor. The plan is divided into 2 different concepts. The Parks Management Priorities and the Parks Environs Priorities. There is some realignment of the trails. One concept is to maintain the lineal trail concept. Some missing bridges would have to be replaced. There would also be some small loop trails. The trails should be wood chipped, keeping a natural feel. Also, a recommendation is that land could be acquired to the south, moving the equestrian trails out of the park and to the south. It would be more conducive to horseback riding. Also, there was a lot of discussion regarding emergency access and maintenance access. Wood chips would allow small utility vehicles access. Another issue is education management. Where the Prairie merges with the forest, it is recommended that prescribed burns be used to regenerate plant life. The entire park is in need of a signage system. There is a need for historical interpretation. The northern part of the park has some historical sites that need interpretation. There are opportunities for volunteer maintenance projects, technical and scientific advisors. There has been ongoing study of this park to better understand the ecosystem. There has been financial support from environmental groups. Externally,

there should be no net loss of flood storage. Conservation easements, buffering, water quality, conservation design, silt fences and soil storage were all discussed. Bridges are a major issue. There are washed out bridges that need to be replaced. There are vegetation management scenarios shown also. Old field areas are being encroached upon with shrubbery, etc. The rare bird and rare plant areas are shown also. The EA ecosystem report issued last January identified some land use techniques to protect the park area. Areas for protection have been identified. There is another piece of land acquisition to the south, utilizing the floodplain down to Hickman. There is a Union Pacific railroad line which has filed for abandonment. If this could be acquired for a trail corridor, it would offer some flexibility for land acquisition versus management. Cost . The Parks and Recreation budget has been severely cut on Wilderness Park. It is recommended that the budget be brought back up. This would entail a couple of more full time people, roughly \$80,000.00 more a year. It is recommended to reopen the wilderness park shop and maintenance facility. \$100,000.00 is needed to buy equipment and reopen it. Capital Improvements are the most immediate. \$100,000.00 to \$110,000.00 per bridge for 6 bridges is needed. They need to be built to withstand the flooding pressures. Land acquisition cost is approximately \$2,000.00 an acre. The area adjacent to Wilderness Park is 668 acres at about \$1,336,000.00 and parcels from Saltillo Road to Hickman are 1,760 acres at about \$3,520,000.00.

Hopkins wondered what the total bill would be for this vision. Mr. Hulvershorn replied that the total would be around 7.5 million dollars.

Steward complimented Hulvershorn on his comprehensive coverage of Wilderness Park. This is not so much the internal issues as it is the edges of the park and development. As he reads the report, it outlines a number of ways to protect the edges of the park-- conservation easements, purchase of land, overlay district, for example. If we accept this, how does this help us with the next edge development that comes along? Hulvershorn replied that the artery concept would help protect wildlife and the trails. This feeds the community into the park. The easements on the parcels adjacent were felt to be the most sensitive.

Steward stated that if the stormwater management system were tied to this , it would be better. Hulvershorn agreed. There is a strong linkage between the two projects.

Schwinn thought this was a great report. He complimented Hulvershorn and everyone involved on a wonderful job. He wondered if the riparian forests are indigenous to this area. Hulvershorn noted that the bur oak forests are indigenous. There is a question whether this is true for the savannahs. This is a unique area.

Schwinn wondered if we envision trying to maintain the savannahs. Hulvershorn replied that there will be some succession going on in the riparian areas. Schwinn believes that the transportation study in the south area needs to be taken care of also before we move forward.

DeKalb noted that a comprehensive plan amendment can go forward. The transportation study is not complete yet. They would like to make it part of a total transportation model. This comprehensive plan amendment will not interfere with any decisions on traffic or Wilderness Park.

2. Frank Poskochil wondered what this means for the acreage zoo. He wondered if there is any way of going around it. He has property on Saltillo Rd. that hosts handicapped kids. It is proven by all the sports fields in Lincoln that Lincoln needs an acreage zoo—a stopping station for people to stop and enjoy the parks' atmosphere. He is trying to start this with his own money. He has a letter from Parks and Recreation that supports this.

Hopkins wondered if he works with physically or mentally challenged kids. Poskochil indicated that he works with both. The Parks and Recreation Dept. brings handicapped kids out to his site.

3. Danny Walker, 427 E St., testified in support. He believes that whatever is done in this area needs to be done with a firm hand. A few years ago, the railroad ate up some wetlands. The Burlington Northern/Santa Fe Railroad took 56 acres of wetlands. One of the replacement areas was directly adjacent to Wilderness Park. That project fell behind and the property is now being developed and the wetland project has been moved somewhere towards Wahoo. This should be a lasting agreement.

4. Rebecca Williams with Friends of Wilderness Park testified in support. She will send the comments by Friends of Wilderness Park to the Planning Commissioners. There are some good points in the plan, but there are also some things that need to be addressed. She pointed out that 6 members of Friends of Wilderness Park were present. It was noted that some had to leave.

5. Terry Kubicek commended the report. It is wonderful and has some great ideas. There are some comments that the Friends of Wilderness Park would like to make. Schwinn would appreciate it if he could pass these on to the Commissioners as soon as possible so the Commission could look them over.

6. Paul Zillig appeared on behalf of the Lower Platte South NRD in support. The NRD appreciates the opportunity to have input into this process. The stakeholders provided hundreds of suggestions. The NRD finds the proposed subarea plan to be in agreement with the goals and objectives of the NRD. He applauds the goals of flood management.

7. Rick Krueger with Home Builders of Lincoln testified in support. He was a stakeholder in these meetings. He wondered about the changes in flow rates. He would prefer that the Commission institute the consensus statement that is on page 634 of the report which states that important tributaries should be left natural. There is a matrix in section 5.4 of the report that he is concerned with. If this is made part of the Comprehensive Plan, it tends to have a life of its own. One of the things that was

reaffirmed in the S1-S2 process was the growth east of the park. He wondered if this is instituting another design standard. Under section 3.14 of the report, the suggestion is made to do an environmental overlay district. The Home Builders would not look favorably on this. The interpretation center was suggested to be on the south end of the park. The report suggests it be in the north end. The Home Builders would rather it be south.

8. Peter Katt testified in support. Dave Thompson in his law office participated in the majority of the Wilderness Park meetings. Katt provided a list of Mr. Thompson's initial concerns. He believes Krueger has identified the problem of what we do with this report. It would not appear to be appropriate to put it into the Comprehensive Plan.

Steward sought clarification that each of the bullets in the list provided are items that they have a concern with. Katt concurred.

9. Glenn Cekal, 1420 C St. testified in support. After hearing the last couple of comments, he thinks the report is phenomenal. Maybe some of these visions can actually happen and this town can become what he thinks it wants to be. This is a rare meeting, in terms of vision and possible things that could happen. There are some people who don't really care about things except as to how it might make them money. There are also some that really do care about the quality of life in this general area. He hopes this possibility won't slip away. It is amazing how a little bit of information can give new possibilities and new hope.

Hopkins made a motion for continued public hearing with administrative action in 2 weeks, seconded by Newman and carried 5-0: Hopkins, Newman, Schwinn, Steward and Taylor voting 'yes'; Bayer, Duvall, Hunter and Krieser absent.

Schwinn would like input from Rick Peo on impact fees from Wilderness Park and the legality of the issue. Peo agreed to research it and let the Commission know his findings.

COMPREHENSIVE PLAN AMENDMENT NO. 94-43
TO AMEND THE LINCOLN LAND USE PLAN
TO CHANGE AN AREA FROM WETLANDS/WATER BODIES,
PARKS AND OPEN SPACE TO PUBLIC AND SEMI-PUBLIC
FOR THE PROPOSED "CITY IMPOUND LOT"
GENERALLY LOCATED AT SUN VALLEY BOULEVARD,
CHARLESTON AND NORTH 1ST STREET
PUBLIC HEARING BEFORE PLANNING COMMISSION:

December 1, 1999

Members present: Hopkins, Newman, Schwinn, Steward and Taylor; Bayer, Duvall, Hunter and Krieser absent.

Planning staff recommendation: Approval

Proponents

1. Don Herz, City Finance Director stated that the Finance Dept. has the responsibility of managing the city impound lot. Currently, the city impound lot is on the proposed baseball field property. A replacement site had 3 needs. The vicinity of downtown Lincoln was important. Most cars are from the campus of UNL. Secondly, they preferred to use land that was already owned by the city to avoid the additional expense of land purchase and this would also allow a more rapid completion of the baseball field project. Finally, the third objective was one that would least impact any residential neighborhood. They looked at a number of sites. A number of them were on saline wetlands. Most of the sites they looked at on West "O" St. were too small or too expensive. They think this is a good location and would like this to be approved.

Steward wondered if the city isn't taking on a huge liability putting the city impound lot in the floodplain. Herz replied that the current impound lot is in the floodplain. If there is a flood, the city has the responsibility to move the cars.

2. Vince Mejer with the Finance Dept. appeared and stated that if a flood were to occur, they would try to find locations outside the impending flood and move the cars.

Schwinn wondered what landscaping would be done to lessen the impact on Oak Lake. Herz replied that they would be able to do some fencing and landscaping, and some planting along the Sun Valley side of the property.

Schwinn wondered if there were any environmental concerns on dropping all the salt for melting snow. He questioned if any environmental studies had been done. Herz replied that the wetlands issue has been looked at; he did not know about the salt content.

Hopkins noted that this lot is still a ways out. She wanted to know if this site is on a public transportation route from downtown. She wondered how someone is supposed to get there without a car. Mejer replied that the new site is ½ to 1/4 of a mile from the old site. Hopkins does not believe either site is within walking distance from downtown. This is not very public service oriented. She understands it is not a major concern, but it is an issue.

Mejer stated that they do not have the architect's total drawing for the landscaping and screening yet.

Hopkins made a motion for continued public hearing with administrative action in 2 weeks, seconded by Newman and carried 4-1: Hopkins, Newman, Schwinn and Steward voting 'yes'; Taylor voting 'no'; Bayer, Duvall, Hunter and Krieser absent.

Opposition

1. Danny Walker stated that he believes this is a environmentally questionable area. This area has never been tested. It used to be all city dump. There will be up to 500 vehicles being stored in the area--he would like to see how 500 vehicles can be moved in 1 hour. Flood regulations do not allow buoyant materials to be stored in the floodplain. Consideration needs to go to the new area. He would like to know what procedure the city of Lincoln used to identify the wetlands in this area and whether they have to obtain a 404 permit.

2. Peter Katt appeared on behalf of two potential owners of the Dr. White property in the area. They are looking at developing a possible residential area. He thinks it is curious that the city seems to receive a whole different set of standards.

Steward does not think we have enough information about the process that this has gone through to tie this into the public transportation system and the issue of it putting personal property in jeopardy. The double standard comment is appropriate. He would not support this on the basis of turning a wetland into vehicle storage. There is an irony in this that he cannot accept.

Continued public hearing and administrative action will be held December 15, 1999.

There being no further business, the meeting was adjourned at 7:15 p.m.

Please note: These minutes will not be formally approved until the next regular meeting of the Planning Commission on December 15, 1999.